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Date:	August 3, 2005	**Phone Number**	**Fax Number**
To:	Examiner Pwu		(571) 273-8300
From:	Kevin J. Zilka		

Docket No.: NAI1P351/01.012.01 **App. No: 09/900,002**

Total Number of Pages Being Transmitted, Including Cover Sheet: 29

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Practitioner's Docket No. NAI1P351/01.012.01 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark J. McArdle et al.

Application No.: 09/900,002 Group No.: 2143
Filed: 07/05/2001 Examiner: Pwu, J.
For: CONTROL OF INTERACTIONS BETWEEN CLIENT COMPUTER APPLICATIONS AND NETWORK RESOURCES

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Commissioner for Patents
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Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION–37 C.F.R. § 41.37)

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on July 21, 2005.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Erica L. Farlow

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3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity	$500.00
Appeal Brief fee due	**$500.00**

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	$500.00
Extension fee (if any)	$0.00
TOTAL FEE DUE	**$500.00**

6. FEE PAYMENT

Authorization is hereby made to charge the amount of $500.00 to Deposit Account No. 50-1351 (Order No. NAI1P351).

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. (Order No. NAI1P351).

Signature of Practitioner
Kevin J. Zilka
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P.O. Box 721120
San Jose, CA 95172-1120
USA

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Tel. No.: 408-971-2573
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Practitioner's Docket No. NAI1P351/01.012.01 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark J. McArdle et al.

Application No.: 09/900,002 Group No.: 2143
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Date: 8/3/2005

Erica L. Farlow
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Erica L. Farlow
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3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity	$500.00
Appeal Brief fee due	**$500.00**

4. EXTENSION OF TERM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	
McArdle et al.	Art Unit: 2143
Application No. 09/900,002	Examiner: Pwu, Jeffrey C.
Filed: July 5, 2001	Date: August 3, 2005
For: CONTROL OF INTERACTIONS BETWEEN CLIENT COMPUTER APPLICATIONS AND NETWORK RESOURCES	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

APPEAL BRIEF (37 C.F.R. § 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on July 21, 2005.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

I REAL PARTY IN INTEREST
II RELATED APPEALS AND INTERFERENCES
III STATUS OF CLAIMS
IV STATUS OF AMENDMENTS
V SUMMARY OF CLAIMED SUBJECT MATTER
VI GROUNDS OF REJECTION PRESENTED FOR REVIEW
VII ARGUMENTS

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VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT IN THE APPEAL

The final page of this brief bears the practitioner's signature.

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I REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is McAfee, Inc.

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II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no other such appeals, interferences, or related judicial proceedings.

Since no such proceedings exist, no Related Proceedings Appendix is appended hereto.

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III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-29

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims withdrawn from consideration: None
2. Claims pending: 1-29
3. Claims allowed: None
4. Claims rejected: 1-29

C. CLAIMS ON APPEAL

The claims on appeal are: 1-29

See additional status information in the Appendix of Claims.

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IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

As to the status of any amendment filed subsequent to final rejection, an amendment was filed under final on June 3, 2005, and was not entered.

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V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

With respect to a summary of Claim 1 et al., as shown in Figure 2, a computerized method for restricting network access by applications is provided. In use, a network access request from an application is detected (e.g. item 205 of Figure 2). An application policy file is examined to determine if the application is authorized to access the network by comparing an identifier for the application with identifiers in the application policy file that correspond to applications authorized for installation on computers coupled to the network (e.g. item 207 of Figure 2). As a result, access to the network is blocked if the application is not authorized to access the network (e.g. item 209 of Figure 2). Note page 7, line 1-page 8, line 17, for example.

With respect to a summary of Claim 18, the above summary is incorporated, at least in part, by reference. Further, as shown in Figure 3, an application identifier field is provided that contains data identifying an application that is authorized for installation on computer coupled to a network (e.g. item 303 of Figure 3). Also included is a network identifier field that contains data identifying a entity that is accessible by the application identified by the application identifier field (e.g. item 307 of Figure 3). Still yet, an access flag field is included which contains data specifying whether the application identified by the application identifier field is allowed access to the entity identified by the network identifier field (e.g. item 309 of Figure 3). Note page 8, line 18-page 9, line 19, for example.

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VI GROUNDS OF REJECTION PRESENTED FOR REVIEW
(37 C.F.R. § 41.37(c)(1)(vi))

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue #1: The Examiner has rejected Claims 26 and 27 under 35 U.S.C. 112, second paragraph.

Issue #2: The Examiner has rejected Claims 1-25 and 28-29 under 35 U.S.C. 102(b) as being anticipated by Ginter et al., U.S. Patent No. 5,892,900.

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VII ARGUMENTS (37 C.F.R. § 41.37(c)(1)(vii))

The claims of the groups noted below do not stand or fall together. In the present section, appellant explains why the claims of each group are believed to be separately patentable.

Issue # 1:

The Examiner has rejected Claims 26 and 27 under 35 U.S.C. 112, second paragraph.

Group #1: Claims 26 and 27

The Examiner has stated that there is insufficient antecedent basis for the "DNS service" limitation in Claim 26 and has rejected Claim 27 as being dependent on Claim 26. Appellant respectfully disagrees with this rejection, as an "a" is not necessary in this instance, in view of the nature of the term "DNS service."

Issue # 2:

The Examiner has rejected Claims 1-25 and 28-29 under 35 U.S.C. 102(b) as being anticipated by Ginter et al., U.S. Patent No. 5,892,900.

Group # 1: Claims 1, 7, 12, 17, and 29

With respect to independent Claim 1 et al., the Examiner has failed to make any prior art showing of appellant's claimed "detecting a network access request from an application" (see this or similar, but not identical language in each of the foregoing claims). Appellant respectfully asserts that nowhere in Ginter is there any teaching of such claim language, especially in view of the fact that the only "access request" disclosed by Ginter relates to user access and not an access request from an application, as claimed by appellant.

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In addition, the Examiner has relied on Ginter's disclosure of "rules and controls" (Fig. 2A) and "permissions record" (Fig. 5A, item 808) to make a prior art showing of appellant's claimed "examining an application policy file" (see this or similar, but not identical language in each of the foregoing claims). However, Ginter's rules and controls only relate to the distribution of content (see Col. 56, lines 6-11) and Ginter's permissions record merely relates to rights associated with an object where that object is a container with content (see Col. 59, lines 14-15 and 44-45). Thus, such teachings clearly do not meet appellant's application policy file since nowhere in Ginter is there even any mention of a policy file associated with an application.

Furthermore, with respect to appellant's claimed "...to determine if the application is authorized to access the network by comparing an identifier for the application with identifiers in the application policy file that correspond to applications authorized for installation on computers coupled to the network" (see this or similar, but not identical language in each of the foregoing claims), the Examiner has relied on Ginter's virtual distribution environment (Figs. 69A-69M).

Appellant respectfully asserts that after careful review of Ginter's virtual distribution environment, it is clear that there is simply no disclosure of any sort of "comparing an identifier for the application with identifiers in the applications policy file that correspond to applications authorized for installation" (emphasis added). Ginter simply teaches encrypting installation materials using secret keys and a registry with decryption keys that are supplied on demand during a registration process (Col. 237, lines 4-20; Fig. 69A, items 3474 and 3478). Simply utilizing secret keys for decrypting an encrypted installation program, as disclosed by Ginter, in no way meet appellant's specific claim language, namely comparing identifiers where the "applications policy file [includes identifiers for] applications [that are] authorized for installation."

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. Richardson v. Suzuki Motor Co.868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

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This criterion has simply not been met by the Ginter reference, since each element as set forth in the claims has not been met, as noted above.

Group #2: Claims 2, 8 and 13

The Examiner has relied on Ginter's disclosure of assigning "each person using an electronic appliance 600...a set of permitted sensitivity attributes to designate those documents, or one or more portions of certain documents types, which could be processed in certain one or more ways, by the person's electronic appliance" (Col. 302, line 40-Col. 303, line 39) to make a prior art showing of appellant's claimed "determining a network resource requested by the application; examining the application policy file to determining if the application is authorized to access the network resource; and allowing access to the network resource if the application is authorized to access the network resource." Appellant respectfully asserts that Ginter merely teaches user permissions with respect to accessing documents, and not application permissions with respect to accessing a network resource, in the manner claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #3: Claims 3, 9 and 14

The Examiner has relied on Col. 302, line 40-Col. 303, line 39 of Ginter to make a prior art showing of appellant's claimed "determining a type of network access requested by the application; examining the application policy file to determine if the application is authorized for the type of network access requested; and allowing the type of network access requested if the application is authorized for the type of network access requested." Again, appellant respectfully asserts that Ginter merely teaches user permissions with respect to accessing documents, and not application permissions with respect to a type of network access, in the manner claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

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Group #4: Claims 4, 10 and 15

The Examiner has relied on Col. 302, line 40-Col. 303, line 39 of Ginter to make a prior art showing of appellant's claimed "updating the application policy file; and re-evaluating applications currently executing again the updated policy file." Appellant respectfully asserts that the only modification made to document control policies as disclosed in Ginter relates to the original creation of the control policies and the different types of controls that may be placed on a document. There is simply no disclosure of any type of update, and especially not of re-evaluating an updated policy file in the manner claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #5: Claims 5, 11 and 16

The Examiner has relied on Figures 5A and 5B of Ginter to make a prior art showing of appellant's claimed "wherein the application identifier is in the network access request." However, the referenced figures merely teach a permissions record, which relates to rights associated with an object where that object is a container with content (see Col. 59, lines 14-15 and 44-45). There is simply no such application identifier that is included in the network access request, in the manner claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #6: Claim 6

The Examiner has relied on Ginter 112 to make a prior art showing of appellant's claimed "wherein the method is performed on a client computer on which the application is executing." Appellant assumes that the Examiner was referring to Figure 2A, item 112, which simply discloses a content user that uses content in accordance with rules and controls (see Col. 56, lines 28-29). A content user that is subject to rules and controls for the specific content simply does not teach "a client

PAGE 17/29 * RCVD AT 8/3/2005 7:09:26 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 971 4660 * DURATION (mm-ss):07-22

computer on which the application is executing," particularly because there is simply no mention of a client computer nor the execution of an application in Ginter.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #7: Claims 18 and 21

The Examiner has relied on the same rejections as given with respect to the arguments made with respect to Group #1 of Issue #2 above. Thus, for the same or similar reasons as given above, application respectfully asserts that the Ginter reference does not meet appellant's specific claim language. Furthermore, it seems the Examiner has relied on Ginter's broad disclosure of VDE's ability to provide generalized configurability (Col. 12, line 18-Col. 12, line 67) to make a prior art showing of appellant's claimed "field[s]." However, Ginter merely teaches that such configurability arises from requirements for supporting electronic commerce and data security, but not the specific items capable of being configured. Thus, there is simply no teaching in Ginter of appellant's specific claim language, and in particular there is no teaching of any sort of "application identifier field," "network identifier field," and "access flag field," in the context claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #9: Claim 19

The Examiner has relied on Ginter's disclosure of VDE (Col. 3, line 18-Col. 13, line 67) to make a prior art showing of appellant's claimed "application identifier field" and "network identifier field." However, appellant respectfully asserts that Ginter does not disclose any type of "application identifier field" or "network identifier field," as claimed by appellant.

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Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #10: Claim 20

The Examiner has relied on Ginter's disclosure of VDE (Col. 3, line 18-Col. 13, line 67) to make a prior art showing of appellant's claimed "response field." However appellant respectfully asserts that Ginter does not disclose any type of "response field" as claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #11: Claim 22

The Examiner has relied on Ginter's disclosure of VDE (Col. 3, line 18-Col. 13, line 67) to make a prior art showing of appellant's claimed "application identifier." However, appellant respectfully asserts that Ginter does not disclose any type of "application identifier," let alone an application identifier that is either a file name of the application or a path on the network, as claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #12: Claim 23

The Examiner has relied on Ginter's disclosure of VDE (Col. 3, line 18-Col. 13, line 67) to make a prior art showing of appellant's claimed "plurality of the application identifiers." However, appellant respectfully asserts that Ginter does not disclose any type of "plurality of the application identifiers," as claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group # 13: Claim 24

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The Examiner has relied on Ginter's disclosure of "Document Control Policies" (Col. 302, line 40-Col. 303, line 39) to make a prior art showing of appellant's claimed technique "wherein each application entry in the application policy file comprises a set of access policy rules for one of a network and a network resource identified by the network identifier." Ginter's document control policies relate to user permissions with respect to accessing documents, and not application permissions with respect to a network or network resource, in the manner claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #14: Claim 25

The Examiner has relied on Ginter's disclosure of VDE (Col. 3, line 18-Col. 13, line 67) to make a prior art showing of appellant's claimed "network identifier [that is] a Universal Naming Convention path [or] a network address range." However, appellant respectfully asserts that Ginter does not disclose any type of "network identifier [that is] a Universal Naming Convention path [or] a network address range," as claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

Group #15: Claim 28

The Examiner has relied on Ginter's document control policies (Col. 302, line 40-Col. 303, line 39) to make a prior art showing of appellant's claimed technique "where the application policy file includes an application identifier, a network identifier, an access flag, additional policy rules, and at least on application entry." Appellant respectfully asserts that Ginter's document control policies relate to user permissions with respect to accessing documents, which would only require a designation of the user, the document, permissions with respect to the particular user and document, and would not require, nor suggest, an application identifier, a network identifier, additional policy rules, or an application entry since such method

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in Ginter does not relate to an application accessing a network, in the manner claimed by appellant.

Again, each element as set forth in the claims has not been met by the Ginter reference, as noted above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

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VIII APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(1)(viii))

The text of the claims involved in the appeal (along with associated status information) is set forth below:

1. (Previously Presented) A computerized method for restricting network access by applications comprising:

detecting a network access request from an application;

examining an application policy file to determine if the application is authorized to access the network by comparing an identifier for the application with identifiers in the application policy file that correspond to applications authorized for installation on computers coupled to the network; and

blocking access to the network if the application is not authorized to access the network.

2. (Original) The method of claim 1 further comprising:

determining a network resource requested by the application;

examining the application policy file to determine if the application is authorized to access the network resource; and

allowing access to the network resource if the application is authorized to access the network resource.

3. (Original) The method of claim 1 further comprising:

determining a type of network access requested by the application;

examining the application policy file to determine if the application is authorized for the type of network access requested; and

allowing the type of network access requested if the application is authorized for the type of network access requested.

4. (Original) The method of claim 1 further comprising:

updating the application policy file; and

re-evaluating applications currently executing against the updated policy file.

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5. (Previously Amended) The method of claim 1, wherein the application identifier is in the network access request.

6. (Original) The method of claim 1, wherein the method is performed on a client computer on which the application is executing.

7. (Previously Presented) A computer-readable medium having executable instruction to cause a computer to perform a method comprising:

detecting a network access request from an application;

examining an application policy file to determine if the application is authorized to access the network by comparing an identifier for the application with identifiers in the application policy file that correspond to applications authorized for installation on computers coupled to the network; and

blocking access to the network if the application is not authorized to access the network.

8. (Original) The computer-readable medium of claim 7, wherein the method further comprises:

determining a network resource requested by the application;

examining the application policy file to determine if the application is authorized to access the network resource; and

allowing access to the network resource if the application is authorized to access the network resource.

9. (Original) The computer-readable medium of claim 7, wherein the method further comprises:

determining a type of network access requested by the application;

examining the application policy file to determine if the application is authorized for the type of network access requested; and

allowing the type of network access requested if the application is authorized for the type of network access requested.

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10. (Original) The computer-readable medium of claim 7, wherein the method further comprises:

updating the application policy file; and

re-evaluating applications currently executing against the updated policy file.

11. (Previously Presented) The computer-readable medium of claim 7, wherein the application identifier is in the network access request.

12. (Previously Presented) A computer system comprising:

a processing unit;

a memory coupled to the processing unit through a bus;

a network interface coupled to the processing unit through the bus and further operable for coupling to a network; and

an application policy process executed from the memory by the processing unit to cause the processing unit to detect a network access request from an application, to examine an application policy file to determine if the application is authorized to access the network by comparing an identifier for the application with identifiers in the application policy file that correspond to applications authorized for installation on computers coupled to the network, and to block access to the network if the application is not authorized to access the network.

13. (Original) The computer system of claim 12, wherein the application policy process further causes the processing unit to determine a network resource requested by the application, to examine the application policy file to determine if the application is authorized to access the network resource, and to allow access to the network resource if the application is authorized to access the network resource.

14. (Original) The computer system of claim 12, wherein the application policy process further causes the processing unit to determine a type of network access requested by the application, to examine the application policy file to determine if the application is authorized for the type of network access requested, and to allow the type of network access requested if the application is authorized for the type of network access requested.

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15. (Original) The computer system of claim 12, wherein the application policy process further causes the processing unit to update the application policy file, and to re-evaluate applications currently executing against the updated policy file.

16. (Previously Amended) The computer system of claim 12, wherein the application identifier is in the network access request.

17. (Original) The computer system of claim 12, wherein the application is executed from the memory by the processing unit.

18. (Previously Presented) A computer-readable medium having stored thereon an application policy data structure comprising:

an application identifier field containing data identifying an application that is authorized for installation on computer coupled to a network;

a network identifier field containing data identifying a entity that is accessible by the application identified by the application identifier field; and

an access flag field containing data specifying whether the application identified by the application identifier field is allowed access to the entity identified by the network identifier field.

19. (Original) The computer-readable medium of claim 18 further comprising:

an additional policy rule field containing data specifying whether the application identified by the application identifier field is allowed a particular type of access to the entity identified by the network identifier field.

20. (Original) The computer-readable medium of claim 18 further comprising:

a response field containing data specifying an action to performed if the application identified by the application identifier field attempts access to the entity identified by the network identifier field and the access is not allowed.

21. (Original) The computer-readable medium of claim 18, wherein the entity is selected from the group consisting of a network and a network resource.

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22. (Previously Presented) The method of claim 5, wherein the application identifier is selected from the group consisting of a file name of the application and a path on the network.

23. (Previously Presented) The method of claim 5, wherein a plurality of the application identifiers are associated with each application, and each of the application identifiers corresponds to a different network address assigned to the corresponding application.

24. (Previously Presented) The method of claim 1, wherein each application entry in the application policy file comprises a set of access policy rules for one of a network and a network resource identified by a network identifier.

25. (Previously Presented) The method of claim 24, wherein the network identifier is selected from the group consisting of a network address range and a Universal Naming Convention path.

26. (Previously Presented) The method of claim 24, wherein the set of access policy rules includes a first rule that allows DNS service from a specified network server, and a second rule that disallows FTP with respect to specified addresses.

27. (Previously Presented) The method of claim 26, wherein a null setting for an access flag is interpreted as one of allowing and disallowing all access to a network specified by the network identifier.

28. (Previously Presented) The method of claim 1 wherein the application policy file includes an application identifier, a network identifier, an access flag, additional policy rules, and at least one application entry.

29. (Previously Presented) A computerized method for execution on a computer coupled to a network to restrict network access by an application executing on the computer, the method comprising:

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detecting a network request from the application, the request comprising at least one of an identifier and entity and a type of network access, wherein the entity is one of a network and a network resource;

examining an application policy file to determine if the application is authorized to access the entity by comparing an identifier for the application with identifiers in the application policy file that correspond to applications authorized for installation on computers coupled to the network, wherein each application entry in the application policy file comprises a set of access policy rules for a network corresponding to a network identifier, the network identifier comprising at least one of a network address range and a Universal Naming Convention path, and wherein the application policy file further comprises an access flag having a null setting that is interpreted as one of allowing and disallowing all access to a network specified by the network identifier;

blocking access to the entity if the application is not authorized to access the entity; and

re-evaluating applications currently executing against any updated application policy file,

wherein a plurality of the application identifiers are associated with each application, each application identifier corresponding to a different network address assigned to the corresponding application, and wherein each application identifier is one of a file name of the application and a path on the network.

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IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT IN THE APPEAL (37 C.F.R. § 41.37(c)(1)(ix))

There is no such evidence.

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In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P351_01.012.01).

Respectfully submitted,

By: _____ Date: 8/3/05

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